



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 06 2009

OFFICIAL  
FILE COPY

REPLY TO THE ATTENTION OF:

E-19J

Marisol Simon  
Regional Administrator, Region 5  
Federal Transit Administration  
200 West Adams Street, Suite 2410  
Chicago, IL 60604

**Re: Comments on the Draft Environmental Impact Statement (DEIS) for the  
Kenosha-Racine-Milwaukee Corridor (KRM) Transit Project, CEQ#20090290**

Dear Ms. Simon:

This letter is submitted in accordance with our agency's responsibilities under the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act. The proposed project is to improve regional transportation mobility with better access to employment centers and connectivity with the Chicago markets; to encourage economic and community development, including Transit Oriented Developments (TOD); and to increase transit ridership, thus reducing the region's automobile dependency.

The US Environmental Protection Agency, Region 5 (US EPA) has participated in agency scoping and pre-DEIS meetings, and attended several public meetings for the KRM Transit Project. We submitted scoping comments on April 6, 2006. The KRM project was further developed in a merged NEPA / Clean Water Act 404 Permitting process; we provided qualified concurrence, discussed below, with the revised Purpose and Need on December 6, 2006.

The KRM transit corridor extends from the downtown Kenosha Metra Station to the downtown Milwaukee Multimodal Center. The project is sponsored by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). The DEIS presents three alternatives: a no build scenario, a Transportation System Management (TSM) concept, and a reestablished commuter rail line. A fourth option, bus rapid transit (BRT), was screened out earlier in the NEPA process by SEWRPC. The TSM concept serves as the Federal Transit Administration (FTA) requisite baseline alternative. The commuter rail line is presented as the Locally Preferred Alternative, with nine stations proposed from Kenosha to Milwaukee.

The Locally Preferred Alternative avoids many impacts typical for a project of this size because most of the project will utilize existing rail rights of way. SEWRPC proposes daily weekday service of fourteen (14) trips in each direction, many timed to meet Metra commuter

trains in Kenosha throughout the day, so commuters could transfer to/from Metra trains that connect Kenosha with Chicago and intermediate stops. The Summary Section Table S-1 presents that three KRM trains in each direction may extend travel beyond Kenosha to Waukegan, Illinois to meet Metra trains at that station. The DEIS is not clear whether any weekend service is contemplated. Diesel Multiple Units (DMU) are proposed as the choice for energy efficient power systems for this rail line. The number of units per train is not indicated, but presumably would vary based upon the service demands.

The baseline TSM alternative was designed to provide a level of service comparable to the BRS or commuter rail alternatives at greatly reduced cost. The TSM alternative includes expanded Metra commuter service from Chicago to Kenosha, expanded and enhanced Wisconsin Coach Lines local bus service from Kenosha to South Milwaukee, and Milwaukee County Transit System bus route 48 service from South Milwaukee to the downtown Milwaukee Multimodal Center. The TSM option is not expected to achieve much improvement in commute times and therefore would not attract a significantly increased transit ridership.

We have reviewed the DEIS and are providing comments regarding Purpose and Need, Alternatives, Environmental Impacts, and Mitigation of Unavoidable Impacts.

## **PURPOSE AND NEED**

The Purpose and Need statement includes the desire to induce economic development, including residential and transit oriented development (TOD). The terms "infill" and "redevelopment" are indicated as desirable attributes of this development. We previously noted that station locations would therefore be important alternative choices for this project. We retain our concern that the proposal has the potential for inducing developments without adequately protecting the state designated natural connectivity corridors as well as farmland and other open spaces.

## **ALTERNATIVES**

The Locally Preferred Alternative involves restoring a rail line now owned by the Union Pacific Railroad (UP). This line has had little traffic for decades, and currently only functions to shuttle coal to the Oak Creek Power Plant. Former passenger service established stations in downtown Kenosha, Racine, South Milwaukee and Milwaukee. Any additional station locations will need to be built, and we recommend the NEPA process present these new locations as alternatives for analysis and public discussion. We are concerned that station locations could stimulate sprawl. The public has echoed the concern for sprawl and filling in the open spaces between Kenosha, Racine, and Milwaukee, blurring the individual community identities. Both urban and rural commenters supported preservation of farmland. Public comments strongly supported the rail alternative. However, options for possible individual station locations were not presented in the DEIS for public comment. Therefore, we recommend further NEPA documentation include an analysis of station location alternatives, including but not limited to: evaluating ridership, access modes (automobile, feeder bus, bicycle, and pedestrian), train schedule delays, cost effectiveness, and direct and indirect impacts.

We recommend that SEWRPC consider relocating the Somers Station to Carthage College. This could coordinate with the proposed pedestrian bridge over Sheridan Road and would serve three significant populations of potential transit riders within walking distance of such a station: college students, college employees, and the low income community to the west. Such a location would promote infill development. By contrast, the currently proposed Somers location would generate development in a largely rural area, impacting the adjacent Pike River conservation corridor, while generating comparatively minimal ridership that is auto-dependent.

Of the two station options proposed for Oak Creek, we recommend the south Oak Creek Station be dropped from consideration, due to both its greater direct impact to a higher quality wetland and its potential to indirectly impact the much larger associated wetland areas.

## **ENVIRONMENTAL IMPACTS**

### **HAZARDOUS WASTE**

A Phase IA Reconnaissance Investigation was performed for the six proposed new construction station sites. We note that some sections of the UP right of way will be upgraded and/or double tracked to provide passing capabilities. The NEPA documentation should indicate the history of spills and potential hazardous sites on that right of way. Please describe how the project will minimize the risk of mobilizing contaminants from ballast and rail work, and stormwater management activities.

### **NOISE AND VIBRATION**

A number of noise and vibration impacts are yet to be fully determined for the rail line. The Summary states on page S-17 that the DMU storage and maintenance will take place in an existing railyard outside the project corridor. Future NEPA documents should fully identify and evaluate these impacts as part of this proposal. Other impacts related to these storage and maintenance functions, including moving DMU to and from the railyard, should also be assessed as part of this proposal.

### **THREATENED AND ENDANGERED SPECIES**

The DEIS noted that no federally listed threatened or endangered species have been identified throughout the proposal corridor, although some statements indicate that perhaps only new station locations, within a one-quarter mile radius, were fully surveyed. Future NEPA documents should provide clarification that the full right of way and all station location areas have been evaluated for both federal and state-listed species of concern.

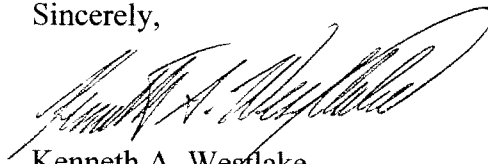
## **MITIGATION OF UNAVOIDABLE IMPACTS**

We acknowledge that some impacts will not be fully-known until final designs are available. However, the Final Environmental Impact Statement should include these impacts to the extent possible. Please specify details concerning the mitigation measures that will be provided, including commitments for follow-up monitoring and maintenance as appropriate.

Our review of the KRM Project found a need for recasting the alternatives so that new station locations for the proposal can be considered for their impacts. We note that additional information is needed to understand the impacts for hazardous waste, noise and vibration, and federally and state listed species along the entire project corridor. Therefore, we rate the DEIS as **"Environmental Concerns - Insufficient Information"** (EC-2). We refer you to the enclosed Summary of Rating Definitions Sheet for a fuller explanation of the ratings. This rating will be published in the Federal Register.

Thank you for the opportunity to comment on this document. We look forward to reviewing future NEPA documents for this project. Should you have any questions regarding our comments, please contact me or Norm West of my staff, by phone at 312-353-5692 or by e-mail at [west.norman@epa.gov](mailto:west.norman@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth A. Westlake", written over a horizontal line.

Kenneth A. Westlake  
Chief, NEPA Implementation Section  
Office of Enforcement and Compliance Assurance

Enclosures: Summary of Rating Definitions Sheet

Cc: Kenneth R. Yunker  
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